TELLS THE FACTS AND NAMES THE NAMES

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The Body of the Terrorist

Body Parts, Bio-Piracy and the Spoils of War at Israel's National Forensic Institute

By Nancy Scheper-Hughes

In July 2009, I was identified as the "whistle-blower" in the arrest by New Jersey FBI agents of a Brooklyn organs trafficker, an orthodox rabbi, Isaac Rosenbaum,[1,2] whose unorthodox business activities I had uncovered several years earlier while investigating an international network of outlaw transplant surgeons, their brokers, lawyers, kidney hunters, insurance and travel agents, safe house operators, and "baby sitters" to mind sick and anxious international "transplant tourists." The particular criminal network, in which Rosenbaum played a bit part, originated in Israel through a "company" run by a well-known crime boss Ilan Peri, who had over the years established shady transplant deals and kidney transplant outlets and connections in Turkey, Moldova, the Ukraine, Brazil, Germany, South Africa, the Philippines, China, Kosovo, Azerbaijan, Columbia, and the United States.[3]

The arrests, amidst gunfire in the operating rooms, of two of Ilan Peri's transplant associates – Dr. Zaki Shapira, formerly of Rabin Medical Center, Petach Tikva, Israel, and his Turkish associate Dr. Yusuf Sonmez – in a private hospital in Istanbul in 2007[4] gave pause to the Israeli Ministry of Health which, until then, had permitted Israeli sick funds (medical insurance) to reimburse living donors overseas with transplants, many of them trafficked from the former Soviet Union countries. The kidney sellers captured in the Turkish shootout, however, were two Palestinians, Omar Abu Gaber, age 42, and Zaheda Mahammid, age 26. The organ recipients were an Israeli man of 68, Zeev Vigdor, and a younger South

Editorial Note: Nancy Scheper-Hughes is professor of anthropology at the University of California, Berkeley, where she directs the doctoral program in medicine and society. Since 1996, she has been involved in active field research on the global traffic in human organs, following the movement of bodies, body parts, transplant doctors, their patients, brokers, and kidney sellers, and the practices of organ and tissue harvesting in several countries – from Brazil, Argentina, and Cuba, to Moldova, Israel and Turkey, to India, South Africa, and the United States. She is a co-founder of Organs Watch, an independent, medical human rights, research and documentation center at UC Berkeley.

We are devoting this issue of the newsletter to her detailed report on the tissue, skin, bone and organ harvesting conducted for many years at Israel's L. Greenberg National Institute of Forensic Medicine, a.k.a. The Abu Kabir Institute, under the aegis of its former director and current chief pathologist, Dr. Yehuda Hiss. Long before Donald Boström leveled allegations of organ-harvesting from Palestinians in the Swedish tabloid, *Aftonbladet*, in August 2009, causing furious accusations of "blood libel," Dr. Scheper-Hughes had already interviewed Dr. Hiss and had on tape the interview that forms part of her report here.

Dr. Scheper-Hughes says her purpose here is to refute the controversial official statements of the Ministry of Health and the IDF that while there may have been irregularities at the National Forensic Institute, they have long since ended. To this day, she says, they have failed to acknowledge, punish, or rectify various medical human rights abuses, past and present at the National Forensic Institute. While many of the allegations are widely known, the testimony by Israeli state pathologist and IDF (reserve) Lt. Col. Chen Kugel has never been published in English and his allegations are known only within Israel. Dr. Scheper-Hughes invited Dr. Kugel to speak publicly on this topic in the U.S. on May 6, 2010. There are two lawsuits ongoing in Israel at the present moment concerning the Forensic Institute and Dr. Hiss. One concerns alleged abuses against the dead bodies of Israeli citizens. The other concerns Rachel Corrie, a U.S. citizen who was killed in Gaza in 2003 while protesting the demolition of houses. Transcripts of court proceedings show that Corrie's autopsy was conducted in contravention of an Israeli court order that an official from the U.S. Embassy be present. These transcripts also show Dr. Hiss conceding that he had kept samples from Corrie's body without her family's knowledge. Dr. Hiss also testified that he was uncertain where these samples now are. For his part, Dr. Kugel asserts that abuses at the Institute continue to this day. The Scheper-Hughes article takes care to note Dr. Kugel's description of his former mentor, Dr. Hiss, as a man who saw himself as willing to take great personal and professional risks "to serve a noble end… to help the war-wounded victims of terrorist attacks," with his actions "as something sublime, or even heroic, as a modern-day Robin Hood." AC/JSC

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African man, John Richard Halford, who were filmed on Turkish TV being carried out of the operating room on stretchers and taken to another hospital before being returned home, without the transplants they had so desired.

After his release from a German prison in 2007, Peri returned to Israel, where he was investigated for tax fraud,[5] detained, but released because Israel's organ-transplant laws were murky with respect to the legality of "brokering" overseas transplants using paid donors. In 2008, two new laws were passed by the Israeli Parliament (Knesset): one that paved the way for applying brain death criteria that would satisfy the ultraorthodox, and the other that outlaws buying, selling and brokering organs for transplant.[6] The Ministry of Health no longer reimburses overseas transplants unless they are legal. Peri continues to organize transplant tours, but today, he claims, using only deceased donor organs and legal pathways.

In its heyday (1997-2007), the Israeli transplant tourism/organ-trafficking network was an ingenious and extremely lucrative multimillion-dollar program that supplied a few thousand Israeli patients and diasporic Jews worldwide with the "fresh" organs and transplants they needed. With Rosenbaum's arrest, the U.S. media were suddenly interested in the Israeli-based transplant-trafficking scheme, now that there was a proven link to hospitals in New York City. The NYC Commissioner of Health and the FBI, whom I alerted years earlier about the Rosenbaum transplant gang, had dismissed the information as lacking credibility. How could patients and kidney sellers from two different countries be smuggled into hospitals for illegal transplants? How would they get through the red tape required for any transplant operation? It sounded like an old wives' tale, an urban legend, or a blood libel against Jewish surgeons and their patients. And that was the worst suspicion of all. Although the criminal justice system refused to believe the story I gave them, transplant surgeons working in hospitals in the U.S. who had been approached by Ilan Peri and his associates, including Isaac Rosenbaum, knew it to be true and knew that some of their colleagues were complicit in transplant crimes that ranged from violating the National Organ Transplant Act (NOTA) in the buying and selling organs, to fraud, deception, money laundering, taking bribes, participating in organized crime and human trafficking. The Rosenbaum case, still in preparation, will be the first U.S. federal prosecution of crimes related to organs trafficking.[7]

Then, in August 2009, another organ-trafficking story broke, one that linked Rosenbaum's U.S.-Israel organ-brokering and money-laundering schemes with much older allegations of organ-and-tissue stealing from the bodies of Palestinian "terrorists" and stone throwers' following autopsy at Israel's National Forensic Institute in Abu Kabir, a neighborhood of Tel Aviv. These allegations, dating back to the early 1990s, were recycled by a Swedish journalist Donald Boström in a left-leaning Swedish tabloid, *Aftonbladet,* on August 17, 2009.[8] Headlined "Our Sons Plundered for Their Organs," Boström's feature story was a mix of organ-theft accusations, seemingly coincidental connections, and political rhetoric. The information was based on Boström's research in Israel and the Occupied Territories during the first Intifada, and his award-winning book, *Inshallah*,[9] published in 2001, where Bostrom first introduced the allegations of body tampering and organ-and-tissue theft from Palestinian dead brought for autopsy to the Abu Kabir Forensic Institute. Boström's article suggested that Palestinian bodies were being harvested as the "spoils of war." The *Aftonbladet* story, instantly translated into Hebrew and English, created a firestorm of protest that included a libel lawsuit by anti-defamation lawyers in New York City and a boycott of Swedish industries. Boström was labeled an anti-Semite, and the story he "dredged up from the sewer" was labeled a despicable "blood libel" against Israel and the world's Jews.

I read these news reports with mounting dread. Like Boström, I was once greeted during a research visit to Israel in 2003 with an ugly headline and centerfold ("New Blood Libel on French TV – Israel Steals Kidneys of Orphan Children in Moldova") in *Makor Rishon*, a right-wing tabloid.[10] The feature story reviewed an hour-long TV documentary by French filmmaker Catherine Bentellier, *Kidneys Worth their Weight in Gold*. I had traveled with the filmmaker to Moldova in 2001, where we interviewed people in villages that had been ravaged by organs traffickers targeting young men and trafficking them to Turkey, the Ukraine and Georgia as paid, sometimes coerced, kidney providers to Israeli transplant patients. The "blood libel" accusation featured medieval woodcuts and a blurry photo of me patting the hand of a Moldovan orphan in his crib.

With respect to the Swedish "blood libel" against the National Forensic Institute at Abu Kabir, the main issue that wasn't raised in the avalanche of articles, editorials, and news columns published in Israel, Europe and the United States was one simple question, "Was the organ theft story true?" And were there any grounds for linking the tissue theft from the dead to the organization of illicit transplant tours for Israeli patients? Were there any grounds for linking the one story with another? I knew the answer. In July 2000, while studying the growth of organized transplant tours run by underworld brokers in Israel, I conducted a formal, audiotaped interview with the director of Israel's National Forensic Institute, Dr. Yehuda Hiss, at Abu Kabir, in which he openly and freely discussed the "informal" procurement of organs and tissues from the bodies of the dead brought to the Institute for examination and autopsy. Hiss described a kind of "presumed" consent, one invented by him and shared with no one except, by example, with his medi-

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cal students and residents and interns. He pursued a quiet policy of aggressive tissue, bone, skin, and organ harvesting, purportedly for the greater good of his country, a country at war, and for the good of his countryman. Professor Hiss, viewed by many Israelis and by the *New York Times* as a hero because of his service to the nation in handling bodies killed by terrorists and suicide bombers, deemed his behavior as patriotic. He was, in his own mind, not so much "above the law," as representing the law, a much higher law, his law, supremely cool, rational, and scientifically and technically correct. The country was at war, blood was being spilled everyday, soldiers were being burned, and yet Israelis refused to provide tissues and organs needed. So, he would take matters into his own hands.

The taped interview was a smoking gun, but I feared the unintended consequences of making it public. The tape sat, more or less untouched, in my archives for ten years. But now it was necessary to set the record straight. But before I did so, I wanted to give professor Hiss a chance to explain, or even to correct, the things he had admitted to in the 2000 interview. Prior to leaving for a research trip in September-October 2009, accompanied by Dan Rather and his team for a news report on the criminal networks built around organ trafficking in Turkey, Moldova, and Israel, I contacted Yehuda Hiss in Israel (through one of my several Israeli research assistants) requesting a follow-up interview. The Ministry of Health thwarted his initial acceptance. A private interview in his home was proposed, but Hiss (and his lawyers) wanted to review beforehand any questions I wished to raise. Then the Ministry of Health denied Hiss permission to speak with me at all, under any circumstances. While being interviewed about the effects of the changes in transplant laws and practices, several medical and transplant colleagues in Tel Aviv and Jerusalem often interjected disparaging references to the "despicable blood libel by the Swedish media," even though they knew full well – and knew that I knew – that tucked inside Boström's tabloid story was a real medical and political scandal of international proportions. I understood their nervousness about the topic, but not their denial of a known fact that was being manipulated into a global political tool of the Israeli government.

Just before returning to the United States, I met with Meira Weiss, a distinguished anthropologist and former professor at Hebrew University, and Chen Kugel, M.D., a forensic pathologist who had worked side by side with his mentor, Yehuda Hiss, at the Institute.

Both Weiss and Dr. Kugel urged me to write a rebuttal to those in Israel who were "crying wolf" and using blood libel accusations to bludgeon their critics into submission. Weiss reminded me of the taped interview, done in 2000, with Dr. Hiss, as she herself had arranged the interview and was present during it, and she was as stunned as I was at the boldness and arrogance of Hiss' revelations. Chen Kugel, a military officer (reserve) and former forensic pathologist at the Institute, agreed that the truth should be told to the global community, though perhaps not by them. Both had suffered enough. Both had been forced out of their jobs.

The taped interview was a smoking gun, but I feared the unintended consequences of making it public.

My interview with Yehuda Hiss at the Institute had come about in the following circumstances. In July 2000, three years into the Organs Watch project, I was given a file and a photo by an Israeli human rights lawyer, Lynda Brayer, at her organization's headquarters in Bethlehem. The Society of St. Yves was created to provide legal assistance to Palestinian families, whose relatives had suffered the demolition of their homes, forced removals, and other abuses. The organization was then representing the family of Abdel Karim Abdel Musalmeh, who was shot in the head on November 8, 1995, by IDF snipers. The single bullet that killed Abdel is clearly indicated in the photo, which was part of the autopsy record. A military order for the demolition of Musalmeh's home in Beit Awa, a village outside of Hebron, preceded his murder by the IDF as a "wanted person on the run." The lawyers were arguing a case to allow the home to stand, so that Abdel's widow and their six children would not be homeless. If murder and dispossession were not enough, Musalmeh's body was returned to his wife in tatters. The autopsy report attributed death by rifle shot to brain. Why, then, was the body subjected to a total dissection and the removal of cornea and skin? I agreed to look into it.

When I first shared this information and the graphic photo with Meira Weiss, she reassured me at that time that there was no organ or tissue harvesting at the Institute. She had witnessed hundreds of autopsies – of Israelis, Arabs, Arab-Israelis, Russian immigrants, foreigners, and Palestinians. While bodies were opened and organs examined, they were returned to the body, except for small tissue samples as needed for forensic examination in the laboratories above the morgue. There were practices Weiss had observed that were not in compliance with international codes of ethics and internal law, the 1975 Helsinki Accords on the use of human subjects.[11] There were acts of deviance by certain staff members. Tattoos, for example, were sometimes removed with a knife from the bodies of new immigrants to Israel, mostly Russian and Ukrainian, always suspect of nor being Jewish enough. Tattoos gave them away, and so they were treated with hostility. Penises might be circumcised, post-mortem, without the knowledge or consent of relatives. The bodies of Jews and Muslims were treated differently. When Palestinians were brought in, following conflict, they were subjected to a complete autopsy, as required to produce information for the Palestinian Authority. On the other hand, the bodies of Israeli soldiers were respected, and autopsies were often discreet and partial.

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The National Institute of Forensic Medicine at Abu Kabir, a Tel Aviv suburb, is Israel's national depository of dead bodies requiring identification, examination, and autopsy. It serves two purposes, on the one hand, as a scientific institute affiliated with the Sackler School of Medicine (Tel Aviv University), through which it operates a state-of-the-art genetics laboratory. On the other hand, the Institute is controlled and closely supervised by the *chevra kadisha* – the orthodox religious organization has a virtual monopoly on all burials in Israel, except for the military. The Institute is a civil organization working under the Ministry of Health. On the other hand, it is an arm of the security police and the military.

The Institute is then both a traditional medical-legal mortuary and, off the re-

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cord, Israel's primary source of tissues, bone, and skin needed for transplantation, plastic surgery, research and medical teaching. The illicit traffic in organs, tissues, bone and the stockpiling of assorted body parts at the Institute is what anthropologists call a public secret, something that every one inside the society knows about but which is never discussed, and certainly never admitted to those outside the society. But, in fact, allegations and official investigations of organ-and-tissue trafficking at the Forensic Institute have been ongoing in Israel since 1999 up to the present day. Yehuda Hiss has been, off and on, the focus of public scrutiny. He has been sued, and he has been decorated. He has been both upbraided and rewarded, fired from his position as director of the Institute, and given a new title, senior pathologist, with a higher salary.

Allegations of Hiss' confiscation of organs, tissues and other body parts date back to November 1999, with an investigative report in the local Tel Aviv newspaper *Ha'ir*, which stated that medical students under Hiss' direction were allowed to practice on bodies sent to the Institute at Abu Kabir for autopsy, and that body parts were transferred for transplant and other medical uses without permission from the families concerned. In 2000, the newspaper *Yediot Aharonot* published a price list for body parts that Hiss had sold to university researchers and to medical schools. A committee of international forensic experts was appointed by the Minister of Health to investigate practices at the Institute. It took two years for the investigation to be completed, during which time, according to Hiss' former assistant and protégé, Chen Kugel, much of the evidence was destroyed. Nonetheless, according to Kugel, Hiss still had a huge collection of body parts in his possession at Abu Kabir, when the Israeli courts ordered a search in 2002. Israel National News reported at the time, "Over the past years, heads of the Institute appear to have given thousands of organs for research without permission, while maintaining a 'storehouse' of organs at Abu Kabir." Hiss was reprimanded but allowed to continue his activities, which he defended as necessary for medicine, for the defense of the Israeli state, and for the advancement of science.

In 2005, new allegations of organs trafficking at Abu Kabir surfaced, and Hiss admitted to having removed parts from 125 bodies without authorization. Following a plea bargain with the state, the attorney general decided not to press criminal charges, and Hiss was given only a reprimand, and he continues on as chief pathologist at Abu Kabir, that is, the state of Israel's official head pathologist. Illegal harvesting of bodies was simultaneously prohibited and tolerated. Hiss was, in fact, the state's answer to the chronic scarcity of tissues and organs. He recognized the need produced by the deep cultural reluctance of families to tamper with the bodies of the dead, which allowed him to cross a line and to do as he pleased with the bodies entrusted to him.

On meeting professor Yehuda Hiss for the first and, as it turned out, the only time, the pathologist struck me as a formidable, frightening, and brilliant man. A Polish immigrant to Israel, with striking blue eyes, short beard, wiry body, and a tense, hypervigilant and belligerent demeanor, he commands attention. The interview took place on July 21, 2000, in Hiss' office at the Institute, in the presence of a staff member and Meira Weiss. We were all, I think, shocked by his revelations. Hiss allowed the interview to be audiotaped, but parts of our conversation were off the record, and the tape was turned off at those moments. What follows now is a transcription of the audiotape pared down, some asides deleted.

YH: My name is Yehuda Hiss. I am a forensic specialist. Here we do forensic medicine, as well as anatomical pathology. I do both. The main issue, here, as compared to other countries, is that [in Israel] we have only one [forensic] Institute for the entire country. And it is very conveniently located in the center of Israel, so that the bulk of the population is located very near to us….There are another twenty medical centers in various places, each with its own department of pathology. But very few complete autopsies are performed in Israel.

I began my training in anatomical pathology in 1974, in Sheba (Tel Hashomer). We had only three residents, and we would perform about 850 complete autopsies [each year]. Today, there are 6-8 residents, and the hospital that trains residents in anatomical pathology is three times as big, but residents today perform only 40-50 mostly incomplete autopsies [per year]. So, this is representative of what is going on in the state of Israel. We did 800 per year 25 years ago with fewer residents, and only 40-50 per year today with many more resources. The only place where complete autopsies are conducted in Israel happens to be here.

Now, about the question of harvesting organs – it's strange. Not only here, in Israel, but elsewhere it all depends on the personal approach of those in charge of pathology or organs harvesting. In my case, when I was a resident in Tel Hashomer – a hospital linked to the IDF (Israeli Defense Forces) – we would collaborate with the army and we would provide the army with grafted (harvested) skin for burn victims, and, from time to time, they would ask us for cornea. So, I would be involved in it because I was in charge, with two others, and we would provide this.

NS-H: *Why cornea to the military?*

YH: For injuries perhaps. Maybe it was easier [for the military] to make this request of us, and, once we had gotten permissions to perform – and the family agreed – to the autopsy, we would take some skin and take the cornea. For autopsy, we always had to ask permission of the family, unless it was a court order [a criminal case].

NS-H: *There is some resistance here, in Israel, to autopsy – both Jewish and Arab – right?*

YH: Yes. We did everything off the record, highly informal. We never asked for the families' permission.

Then we started harvesting cornea for several Israeli hospitals, initially for Tel Hashomer, because I had friends there who knew me well. I suggested this to them at various meetings. I was amazed because no one had ever come to us to ask. Why are you not coming over to us? I told them how it worked at Case Western Reserve Hospital [in Cleveland]. So, then they started to come from hospitals in Jerusalem and Tel-Aviv. Everything was done on a friendly basis between us and our colleagues in various departments. I felt strongly that these corneas should go to public patients and not to private clinics. We were not paid for harvesting, but we were given some donations, equipment that we needed.

Whatever was done here was off the record, highly informal. We never asked permission of the family. But we would harvest only from bodies that the family agreed to allow an autopsy. So, we would never harvest where there were objections to the autopsy.

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NS-H: *The law allows this?*

YH: The law demands permissions for autopsy, but not for harvesting. I read this in the law books….There was an addendum to the law in 1981, that you should ask the permission of the family – for autopsy…. We were free to take skin from the back of legs. We took cornea. We would not take cornea from those bodies where we suspected that the families might want to open the eyelids. There are some Orthodox and some Oriental [Arab] families who open the eyelids and throw sand on top of them. We knew whom to avoid. Also we only removed the cornea, not as we did in Teleshemer [hospital], the whole eyeball. And we would close and glue the eyelids, and we would cover any place where we had removed something. And, similarly, we would take [skin] only from the back of the legs. In the beginning of the 1990s, we began to take some long bones from the legs. Then we were asked for cardiac valves, and we did a few of them, because of the lack of collaboration between us and major thoracic departments. Then, beginning in 1995, we started to do it more formally. It was done according to a certain list of priorities, established by various medical centers and specific departments. It was done as a kind of semi-legal thing. At that point, we would inform the Ministry of Health. Before that time [1995], it was only between me/the Institute and the various departments and medical centers – informally. Later, we decided that it should be done through the Ministry of Health.

NS-H: *Your chief is the Minister of Health, but you were free to do quite a lot without any interference from them?*

YH: Yes, correct, but there are things that really should be done with some instruction and through the Ministry of Health. It was unclear for many years.

NS-H: *In some countries of Latin America, the IMF (Forensic Institute) is under the jurisdiction of the police, but in others, like Cuba, it is under the Ministry of Health. In the old South Africa, it was under the military police – and here?*

YH: Independence is very important. This institution was established in 1954 under the auspices of the Hebrew University of Jerusalem. Then, in the early 1970s, it came under the police department. Then, in 1975 or '76, it came under the Ministry of Health. We are now part of the Ministry of Health, and the director-general of the ministry is our boss, but we are actually completely independent. Until a few years ago, all medical centers were under the Ministry of Health, but in the late 1990s they have become independent. There are only a few still directly under the Ministry of Health. Since then, they are more interested in what we are doing here and in our capacities [to harvest tissues], and so we now get more demands and we feel that it should be regulated. We want to be on record, too, for the various costs that are involved in the harvesting of skin and cornea, bones, pulmonary values and so forth… . But until then, this was just between us and the various hospitals that we serviced, but we wanted there to be some control over this.

NS-H: *How were the prices set?*

YH: In 1996, we made up a list of the various medical services that we provided, a list of hundreds or thousands of shekels – there were expenses that we wanted to recoup. We would collaborate

"Whatever was done here was off the record, highly informal."

only with public hospitals. On one occasion, about ten years ago, there was a case of a head of a department who used one or two corneas donated to the hospital from a pathology Institute – and he used them for his private patients. This is the only case known to me – where tissue donated for general use was used privately. Since 1998, because of popular pressure, there was a sharp decline in autopsies, and we were made to ask permission of all families for autopsy and for harvesting, or for dissection, or for training of military medical students. It was all because a man went to the newspapers just recently to scream that his son, who died in military service, was used for medical experimentation and medical training. And a furor resulted in the country and permissions for autopsies declined. Since then – about two years ago [1998] – we were told to ask permission for everything. [This is a reference to the late Sergeant Zeev Buzaglo of the Golani Brigade, who was killed in a training accident in April 1997. When his father, Dr. Haim Buzaglo, a pediatrician, came to see his son's body, he saw that it had been harmed at the Institute – NS-H].

NS-H: *Why [is] the military [involved in this]?*

YH: There is a special relationship between the Institute and the army because of the current political situation in Israel. All Israelis feel that we all have an obligation to help out in some way, and because we all served in the army, we all have a personal stake in the army ever after. We are all linked to the army. And because of this, we took it for granted. We never asked. We thought it was part of the duty of all Israelis to cooperate.

YH [pointing out data from his files]: Look, here is the data. Since January–April we received here 705 bodies. Of these, 500 were not suitable for harvesting. Either the bodies were too decomposed, or because of infections. Only 175 were adequate for harvesting. We called all of them, and 98 refused. Twelve we could not locate the next of kin. Only 65 out of them agreed. So, I would say we have an acceptance rate of less than one-third.

When we cannot find the next of kin, we do not harvest by law. Originally, the law required only that we inform the family that harvesting is going to take place. Now, we not only inform, we have to ask them for permission. So, because of this one bad incident, the backlash is overriding the Parliament and the law of the land.

[Here NS-H explains how in some states in the U.S. there is "presumed" consent for cornea harvesting, as in California, but most people were totally unaware that it was going on. The law was more or less kept a secret.]

YH: Yes, this was our policy for many years, and then one case, one bad scandal, and it is all over for us. Now, young military medical personnel no longer can get the training they need and, when they are sent to Lebanon or to the Palestinian territories – and there are injuries, they have to intervene without proper training, so that they are actually experimenting on living soldiers. That is what all this has brought us. No previous experience, no training whatsoever with the human body. They have to practice [surgery] on dogs – but never on humans! This is an absurdity! I would not want anyone to perform a tracheotomy or colostomy on me without any previous experience or training, would you? Today, they do virtual training on computerized bodies and

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so on, but it's not the same thing.

NS-H: *So, no biotech firms that want your material?*

YH: In Israel, 100 per cent of the skin harvested goes to Hadassah Hospital's skin bank – it is for military purposes only – no biotech firms have access. There is another skin bank in the south of the country, to which the Institute is not linked – but I know that if something happens – if one of the burn centers need skin for a private patient, say, they can take skin from the Hadassah skin bank, but they have to repay it. Logistically, we are only linked to Hadassah.

Since six months ago, we have a new man working with us downstairs, who is a kind of mortuary assistant, and he is harvesting skin, bones, cornea, and bones. Before him, there was only an arrangement with the army – they used to send us here every week a plastic surgeon, who would come here to harvest skin for the skin bank in Hadassah. This lasted for many years. More than 12 or 13 years he did this. Since 1987-1988, every other week, a plastic surgeon would come here to harvest skin. But now we no longer have this direct relationship with the army since this latest scandal. Now, we have our own mortuary assistant, who is paid to harvest for us all the skin, bone, cornea, etc., that is needed. He helps out in other activities as well.

NS-H: *When you ask permission, do some say you can take this and not that organ?*

YH: Some say do not touch the heart or the brain – some are afraid you might want to take the skin. But it is not like you are skinning a rabbit or something, and we say, no, it is not like that – it is gentle, there is no blood – we are not peeling the skin off. It is not like scalping a person. We take only a superficial layer off – from the back and the legs. And we tell them, too, that we are only taking the thin tissue [from the eye] and not the globe.

In order to fulfill both Jewish and Muslim laws about the disposal of the dead, everything is done immediately. We start working here at about 6 in the morning. By 7 a.m., we have the whole list of all the bodies that are going to be coming in that day. Only some of these are going to be autopsied. And then this person here draws up a list about what will be done to whom. And then we are on the phone.

NS-H: *Are there special techniques for how to present this request to people?*

Staff member: We have to know how to read people.

YH: – Yes, but this is not for me. From the very beginning, I said, "Please free me from this! I cannot possibly talk to people about these things." I am not patient like this.

Staff member: He loves the dead. But *not* the living! [Laughter]

YH: Yes, I switched to forensics from clinical medicine because I wanted the patients to shut up already! So, we say that X will do it – but she is too busy – and, really, we need a social worker to do this …

NS-H: *Any other body parts taken – like pituitary glands?*

YH: When I was a medical resident, we would take pituitary glands. Today, we have chemical substitutes, but when I was a resident, I used to rush to the refrigerator to deposit pituitary glands in a bottle with water. I would collect them – sure, of course! Also, tiny bones from inside the ear – these are very good for some surgical procedures. We would do this about twice a year.

NS-H: *Some of these small bones were used for training NASA astronauts for space travel, and its effects on balance? And what about transnational sales?*

YH: You can buy cornea from Russia for $300 each, I think… . In Moscow, you can get a kidney for $20,000 and cornea for a few dollars, because they really don't care… At every autopsy, they take what they want, and they have a tremendous stockpile of organs that they can draw on. They have skin and cornea. In some large medical centers in Russia, you can get fresh kidney that they get from auto accidents – and in Turkey as well. So, in both places you can get transplanted organs for just $20,000 – including the kidney – because they have a stockpile of them. I know because I was part of a transplant procurement organization, and we studied this. It is very cheap. It is well done by very good surgeons there. In fact, there is a surplus of kidneys in Russia. They have surplus because fewer people there can afford transplants.

NS-H: *There is some doubt about whether Russia was using the international standards for determining brain death.*

YH: Yes, sometimes our surgeons would accompany our Israeli patients to Russia, and they would perform the surgery there and the kidney was from a Russian. The surgery would be performed by Israeli doctors in Russia, with Russian kidneys. Some are leading transplant surgeons from Israel…

NS-H: *Yes, transplant tourism, some of this has been reported in the newspapers.*

YH: Right. They would go once a month for a few days and would perform five or six surgeries there, and the patient would come back here to recuperate.

NS-H: *The UCSF medical ethics board decided that if people who want to break the law and travel to China or the Philippines to be transplanted, then we will not provide you with follow-up care – you can go to a private institution.*

YH: Many things in Israel are done on a personal basis and through connections… I think that in Israel everything should be as equitable as possible. One should not have to depend on connections or money. If advertising and the media would only persuade the Israeli population to donate organs from deceased victims from trauma… [and even though there is nothing in Talmudic law against organ harvesting from the dead], a religious family will find a rabbi who will agree with them. I try to tell them how important it is to donate, and they will say, "I need to discuss this with my rabbi" – and nine times out of ten they come back with a negative answer. That is, the answer that they want….

• • •

As can be seen from the transcript, Hiss readily admitted to the non-consensual, informal tissue, skin, bone and organ harvesting to serve the needs of the country. Until he arrived in 1987 as chief pathologist at the Forensic Institute, there was no organ or tissue harvesting. He explained to his staff that this practice was common elsewhere in the world, in the U.S., at Case Western Reserve, where he had studied, and in other forensic Institutes he had visited. It was a "presumed consent" without the backing of the population, or the law. Although it was in violation of tissue and organs laws, Hiss thought it could be justified for a war-torn and traumatized country like Israel. Hiss admitted that the organs-and-tissue harvesting was "informal" and its legality unclear. From his perspective as a state pathologist, little harm was done by the careful removal of some organs that would never be missed by the deceased and about which the family

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would never have to know. Medical students in military training were brought into the morgue after Hiss and his team completed their legally mandated autopsies, to be trained in the removal of organs.

After my tape was released in Israel, on December 19, 2009, to Israeli TV's Channel 2, government officials for the army and the Ministry of Health admitted that organs and tissues were harvested from the dead bodies of both Palestinians and Israelis throughout the 1990s, but that the practice ended in 2000. Dr. Hiss, however, publicly denied everything on tape – including his words to me. Today, he says that he denies it all – the stockpiling of body parts, the perjury, and the organ harvesting. He denies everything. He says that everything was all done in agreement with and by law, and that families consented to harvest for transplantation. No organs were taken for studies, he said, none at all.

In May 2010, Dr. Chen Kugel and Meira Weiss spoke at a special conference I organized at the University of California, before a working group of experts, including anthropologists, transplant surgeons, pathologists, detectives, prosecutors, and human rights activists.

Chen Kugel, the unheralded and original (unnamed outside of Israel) whistleblower on the Forensic Institute, said that the situation was much worse than what Yehuda Hiss admitted in his interview with me in 2000. Kugel's comments stand as a first-person account from a military officer and a forensic pathologist. When he returned to Israel to work at the Forensic Institute in 2000, after several years in the United States, where he was working in various hospitals and forensic programs, he says he immediately realized that something was terribly wrong. He tried to address the problems with three medical residents, and with them together to have a meeting with the director. Kugel was the spokesperson, and he told Hiss that it was wrong to harvest organs and tissues without permission, and that "giving false evidence in court is also not okay." This went nowhere, and so the group wrote a letter of complaint to the Ministry of Health, outlining the illegalities. The Ministry of Health reacted with alacrity: they fired the three residents and punished Kugel, who, as a military officer working for the IDF, could not be fired. They went to the media and spilled the entire story about what exactly was going on.

In fact, according to Kugel, "Organs were sold to anyone; anyone that wanted organs just had to pay for them." While skin, heart valves, bones, and corneas were removed and used for transplants, solid organs – hearts, brains, livers – "were sold for research, for presentations, for drills for medical students and surgeons."

There was a price for these organs, low – $ 300 for a femur, for example – and should a client want all the organs from a body, that could be arranged, not the body itself, but all the organs removed and sold, Kugel said, for about $2,500.

Amid the uproar prompted by the whistle-blowers, Hiss waged his own media campaign and tried to convince the public that everything that was done was to serve a noble end, to help the war-wounded victims of terrorist attacks, and the sick. He presented his conduct, in Dr. Kugel's words, "as something sublime or even heroic, as a modern-day Robin Hood. Taking from the dead and giving to the innocent victims."

So, *whom* were the organs taken from? Kugel asked rhetorically. The answer was they were taken from everyone, from Jews and Muslims, from soldiers and from stone throwers, from terrorists and from the victims of terrorist suicide bombers, from tourists and from immigrants. There were only two considerations – the physical condition of the body and its organs, and the ability to conceal what they were doing.

Most of the victims of illegal organ harvesting, according to Kugel, were not even subject to autopsy, they were simply harvested. They hid the damage by putting pipes and glass eyes, and broom sticks, and toilet paper and plastic skull caps to cover the place where the brain was removed, and so on. The Institute, Kugel said, was counting on one thing: that most Israelis do not view the body after death except once, to verify that the body is the right one. The body is wrapped in a winding sheet, or might be wrapped in plastic sheets for the burial company to come for it. In that case, the staff would warn the burial employees, who were not well educated, not to open the sheet because the body was contaminated with an infectious disease. It was more difficult to take organs from soldiers because their bodies were supervised by the military, which was more difficult to fool. "But organs *were* taken from soldiers," Kugel said. It was easier to take tissues and organs from the new immigrants, and, needless to say, easiest of all to take from the Palestinians. They would be going back across the border, and, "if there were any complaints coming from their families, they were the enemy and so, of course, they were lying and no one would believe them".

What Kugel found most amazing was the uproar around the Boström article, when there was abundant detail in the Israeli press about the Institute whose affairs were discussed heatedly by commissions, finding blatant evidence of illegalities despite the attempts to destroy all the evidence. After these things were exposed, it took two years for the judge, or the head of the special inquest, to decide whether or not Hiss should be sued. Then, it took the police two years to begin a serious investigation. The end result was that Hiss was removed as director of the Institute but, as previously noted, retained as senior pathologist and given a salary increase. Kugel was dismissed from his post because, during the investigation, he spoke with one of the witnesses who had buried evidence – human body parts – and thus was seen as interfering with the trial. He

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was censored and blacklisted from teaching at all but one of Israel's universities. To Dr. Kugel the prime issue had nothing at all to do with science: it was about disrespect, about hoarding body specimens, about turning the Institute into a factory of bodies. The Institute's conduct was motivated by money, by power, and by authoritarian paternalism of the sort that says, "We know what's good for you, we'll decide what happens to you, the person who doesn't know anything. We'll decide." And that's the reason why that happened, and Dr. Kugel asserts it is happening to this day.

On March 14, 2010, the Haifa District Court heard testimony in the civil law suit filed by the family of the slain U.S. citizen and Gaza peace activist, Rachel Corrie, against the State of Israel for her unlawful killing in Rafah, Gaza. Corrie, an American college student and human rights activist, was crushed to death on March 16, 2003, by a Caterpillar D9R bulldozer. During the hearing, Dr. Hiss, who conducted the autopsy of Rachel Corrie at the request of the Israeli military, admitted that he had violated an Israeli court order that required an official from the U.S. Embassy to be present as a witness. Hiss stated that it was his policy not to allow anyone who is not a physician or a biologist to observe autopsy. Hiss admitted that he had retained samples of tissues and organs from Corrie's body for examination and testing without informing the Corrie family. Hiss was uncertain about whether the samples had been buried with other body samples from the Institute. Corrie's parents, Cindy and Craig, were shocked by these chilling admissions and really do not know quite what to make of them or what, if anything, they should do about it. They are seeking, they told me, only the truth and symbolic damages of $1.00. The prevention of harm to others is, they say, far more important than money.

Finally, what links the story of Yehuda Hiss at the National Forensic Institute and Isaac Rosenbaum and the international network of organs traffickers in Israel? Perhaps only the same sad fact that hysteria about organs scarcities – whatever that chilling phrase evokes – have driven both the medical abuses of the dead and the medical abuses of those who were trafficked to service transplant tourists from Israel to New York City, Philadelphia and Los Angeles, among other sites. When Dr. Zaki Shapira began putting out feelers for kidney sellers in the early 1990s to serve the needs of his transplant patients at Bellinson Hospital in Tel Aviv, he found them close at hand, Palestinian guest workers. Palestinians were, he told me in Bellagio in 1996 at a conference on organ trafficking, "predisposed" to sacrifice their organs. Or, perhaps, to be sacrificed. It works both ways. **CP**

Nancy Scheper-Hughes is the author of several books on poverty and health, including *Death without Weeping: the Violence of Everyday Life in Brazil* – listed by *CounterPunch* in its top 100 nonfiction books published in English in the 20th Century. She can be reached at: nsh@berkeley.edu

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